

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COVIDIEN HERNIA MESH
PRODUCTS LIABILITY LITIGATION
NO. II,

This Document Relates To:
Wilburn Gibson

MDL No. 1:22-md-03029-PBS

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this Short Form Complaint pursuant to Case Management Order No.

7 and is to be bound by the rights, protections, and privileges and obligations of that Order.

Plaintiff(s) hereby incorporate(s) the Master Complaint in MDL No. 3029 by reference.

Plaintiff(s) further show(s) the Court as follows:

1. The name of Plaintiff/the person implanted with Defendants' Hernia Mesh Device(s):

Wilburn Gibson

2. The name of any Consortium Plaintiff (if applicable):

n/a

3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):

n/a

4. Current State of Residence:

Ohio

5. District Court and Division in which action would have been filed absent direct filing:

United States District Court for the Southern District of Ohio

6. Defendants (Check Defendants against whom Complaint is made):



A. Covidien LP



B. Sofradim Production SAS

☐ C. Other (please list: _____)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check all device(s) implanted):

- ☐ Dextile Anatomical Mesh
- ☐ Parietene DS Mesh
- ☐ Parietene Polypropylene Mesh
- ☐ Parietene ProGrip Mesh
- ☒ Parietex Composite Mesh
- ☐ Parietex Composite Mono PM Mesh
- ☐ Parietex Composite PCO-OS or PCO-OB Mesh
- ☐ Parietex Composite Ventral Patch
- ☐ Parietex Hydrophilic 2D Mesh
- ☐ Parietex Hydrophilic 3D Mesh
- ☐ Parietex Hydrophilic Anatomical Mesh
- ☐ Parietex Monofilament Polyester Mesh
- ☐ Parietex Optimized Composite Mesh
- ☐ Parietex Plug & Patch
- ☐ Parietex ProGrip
- ☐ ProGrip Laparoscopic
- ☐ SurgiPro
- ☐ SurgiPro Plug & Patch
- ☐ Symbotex Composite Mesh
- ☐ Other (please list in space provided below):

8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check all applicable device(s)):

- ☐ Dextile Anatomical Mesh
- ☐ Parietene DS Mesh
- ☐ Parietene Polypropylene Mesh
- ☐ Parietene ProGrip Mesh
- ☒ Parietex Composite Mesh
- ☐ Parietex Composite Mono PM Mesh
- ☐ Parietex Composite PCO-OS or PCO-OB Mesh
- ☐ Parietex Composite Ventral Patch
- ☐ Parietex Hydrophilic 2D Mesh
- ☐ Parietex Hydrophilic 3D Mesh
- ☐ Parietex Hydrophilic Anatomical Mesh
- ☐ Parietex Monofilament Polyester Mesh
- ☐ Parietex Optimized Composite Mesh
- ☐ Parietex Plug & Patch
- ☐ Parietex ProGrip
- ☐ ProGrip Laparoscopic
- ☐ SurgiPro
- ☐ SurgiPro Plug & Patch
- ☐ Symbotex Composite Mesh
- ☐ Other (please list in space provided below):

9. Date of Implantation and State of Implantation (if multiple devices, list date of implantation for each device and list the device implanted on such date):
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10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)?: Yes ☒ No ☐

11. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
☐ Other: _____

12. Counts in the Master Complaint adopted by Plaintiff(s):

- ☒ Count I – Strict Product Liability- Defective Design
☒ Count II – Strict Product Liability- Failure to Warn
☒ Count III – Strict Product Liability- Manufacturing Defect
☒ Count IV– Negligence
☒ Count V– Negligence Per Se
☒ Count VI– Gross Negligence
☒ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

MASS. GEN. LAWS ANN. CH. 93A, et seq.; S.C. CODE ANN. §§ 39-5-10, et seq

- ☒ Count VIII – Breach of Implied Warranty
☒ Count IX – Breach of Express Warranty
☒ Count X – Negligent Infliction of Emotional Distress
☒ Count XI – Intentional Infliction of Emotional Distress
☒ Count XII – Negligent Misrepresentation
☒ Count XIII – Fraud and Fraudulent Misrepresentation

- ☒ Count XIV – Fraudulent Concealment
- ☐ Count XV – Wrongful Death
- ☐ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

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- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):
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Respectfully submitted this 28 day of May, 2024.

/s/ Scott Fraser

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